



DATE:	February 28, 2012
APPROVED BY:	

**MINUTES OF THE
LAKE COUNTY PLANNING COMMISSION
February 28, 2012**

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Hausch called the meeting to order at 5:04 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Morse, Pegoraro, Schaedlich, Siegel, Smith, Welch, Zondag, and Mmes. Hausch and Pesec. Staff present: Messrs. Boyd, Radachy, and Ms. Myers.

MINUTES

Mr. Zondag moved and Mr. Adams seconded the motion to approve the January 31, 2012 minutes.

All voted "Aye".

FINANCIAL REPORT

Mr. Boyd stated the temporary budget will be used until the end of March. The good news is that we appear to be fully funded under the temporary budget. It looks like the sales tax issue being put forth by the Board of Commissioners will go into effect on April 1, 2012 because the period for referendum expired at the close of business Thursday and there appears no petitions were filed to put that to the ballot. With that being said, we are still at 2008 revenue levels even with the increase in sales tax. It sounds as though most offices will be stable this year and next year. Obviously, the Federal Grants Program has helped our office tremendously.

Mr. Morse moved to accept the January 2012 financial report. Mr. Adams seconded the motion.

All voted "Aye".

2012 Public Officials Directory Quotes

Mr. Boyd stated that the 2012 Public Officials Directory quotes were included on page 70 for their consideration. The lowest quote for 600 copies was submitted by Phil Vedda & Sons, Inc. in Euclid, Ohio at \$1,230.00. There is a demand from the other agencies to have this printed even though we have put it on the Planning website. Mr. Boyd said approval of the printing of the directories should be made contingent on the office receiving full funding in March. He stated that Ms. Truesdell had worked with this printing company in the past without any problems.

Ms. Pesec moved to accept the quote from Phil Vedda & Sons at \$1,230.00 to print the 2012 Public Officials Directory contingent upon the Planning Commission receiving full funding in the permanent budget in March 2012. Mr. Pegoraro seconded the motion.

All voted "Aye."

PUBLIC COMMENT

There was no public comment

LEGAL REPORT

No legal representative was present.

DIRECTOR'S REPORT

Balanced Growth Initiative Plan

Mr. Boyd reported verbally that he, Mr. Radachy, and Chad Edgar of Soil & Water went to Columbus on February 6 for a final presentation to the Ohio Lake Erie Commission on the Balanced Growth Initiative Plan (BGI). They had a twenty-minute window in which to compress two and a half years of work. He knew they had fared well with all the State agencies when the agencies asked, "Do you guys need more money to do these types of things?" The Department of Agriculture representative stated that he was impressed as to how sensitive to agriculture our BGI plan was. Mr. Boyd stated the staff had worked closely on some of the work with OSU Extension and with the Lake County Soil and Water Conservation District on the economic impact and emerging wineries. We have already received the final \$10,000.00 for the BGI plan.

Mr. Boyd received an email that the Ohio Lake Erie Commission will endorse the plan on March 21, 2012. Mr. Radachy will prepare individualized plans for zoning boards, planning commissions and trustees of the communities involved. These communities will then be able to begin using those study areas for grant applications, getting lower interest points on loans, etc.

Community Zoning Assistance

The Fairport Harbor Planning Consulting Services contract was mailed to them a couple weeks ago. Mr. Boyd said they had increased the consulting hours from six to ten hours at \$50.00 per hour. He anticipates that contract being executed and returned. We are hoping this will morph into updating their comprehensive plan this year.

ANNOUNCEMENT

Mr. Boyd announced that a two-day seminar for the Northeast Ohio Fair Housing Conference on all things housing in northeast Ohio will be held on March 15 and 16 at the Radisson Hotel & Suites in Eastlake. Flyers are available tonight. He asked anyone who was interested in attending to contact the office.

SUBDIVISION REVIEW

Subdivision Activity Report

Mr. Radachy reported on the status of Lake County's subdivision activity as follows:

Brooks Proposed Subdivision - A pre-application meeting has been scheduled for tomorrow at 10:00 a.m. for a possible preliminary plan for the Brooks PUD Subdivision in Painesville Township. It is located in the triangle that is formed between the railroad tracks at the corner of Lake Erie Shores and Bacon Road. This was a single-family detached condominium development and since banks are not loaning money for them at this time, the developer wants to change them to fee simple homes. The developer has received a favorable opinion from Painesville Township Trustees, but wanted to hear from the Planning Commission on subdivision division layout and design issues that they would be facing before they made a final decision.

Ms. Pesec questioned if there would be open space as compensation for the close lots. Mr. Radachy stated that because this was a PUD, they were automatically required to provide open space in the development. The major issue would be to make sure the amount of land that is supposed to be provided actually is. The initial approval allowed them to use the buffer area along the edge of the development as part of their open space. Now that buffer is going to end up in lots.

Ms. Pesec asked what Lake County's position was on open space in the pre-application meeting. Mr. Radachy replied our position was that it had to meet zoning. Mr. Boyd said we would emphasize the usability of the open space. Mr. Radachy will keep an eye to ensure there is usable open space involved. When questioned about buffers for the railroad tracks, Mr. Radachy stated the tracks are only used about once or twice a week. The members thought it might be nice to have the buffer by the tracks. Mr. Zondag thought this might be an unrealistic expectation because they are not doing buffers for mainline tracks. Ms. Pesec thought it would be recommended in general for everyone. A comment was made that it would make a better development for the people living there if there was a buffer. They were going to have to make a storm detention basin and a buffer would be a good place to haul the dirt. Mr. Radachy said he would look into that at the meeting tomorrow.

Mountainside Farms, Phase 3A – This includes the remaining land between Phase 2 and Butler Hill Drive. The right-of-way was not accepted as part of Phase 3B. The developer is looking to finish this project and wants to record it soon.

Kimball Estates, Phase 1 - The Lake County Engineer has met with Mr. Brotzman and Mr. Radachy. He presented another option to take care of the stormwater issues. He is proposing to take it behind sublots 1-4 or 5 and then down the sideline between subplot 1 back to the road, under the road and back to the stream. All improvements will be on the subdivision side.

Mr. Brotzman said it seemed to make sense. The developer will need to obtain an easement of at least 20 feet. The County Engineer's plan has two aspects. It would take it around the perimeter of the property and actually tile it off with a 24" tile to establish the grade that was needed. For the overland flooding, they were going to open up the ditch that was previously opened and tiled and make that an overflow swale to go straight into the existing catch basin. Mr. Radachy stated that he planned to leave the original drainage where it is and use it as an overflow. If the mainline gets too much water, it would then flow down the secondary line and into the storm sewers that way. Mr. Brotzman added that he had asked Mr. Hadden to place the tile further into the easement to the north and avoid more of a disturbance to the trees, rather than putting the tile in the soil right up against the property line. This plan should cost about \$55,000. The County Engineer will present it to the Prosecutor and Mr. Hamilton.

Mr. Boyd said another possible hurdle is that the rear lot line for the three or four sublots and the side lot line to get back to the right-of-way involved in the easement would be on private property because the lots have already been sold. Mr. Brotzman said three lots are not built upon and one is and Mr. Hadden thought the easement would cost about \$300 per lot. Mr. Radachy added that three of the four lots are owned by one owner. They will only be dealing with two owners.

Loretto Landings - We are waiting to receive comments from the Prosecutor's Office concerning the dedication of the private streets in Loretto Landings in Perry Township.

LAND USE AND ZONING REVIEW

Mr. Radachy addressed three Leroy Township zoning text cases and one Madison Township district amendment.

Leroy Township Zoning Text Amendments to Sections 2, Definitions; Section 17, Commercial and Industrial District regulations; Section 13.2, Zoning Certificate and Section 14.10, Conditional Use Permit

Mr. Radachy introduced the first of the Leroy Township zoning text cases as Section 2, Definitions for new uses the Township is adding into Section 17. Section 17 is a new Commercial and Industrial combination chapter with all permitted and conditional uses, lot regulations and other items involved. The third case makes modifications to Section 13.2, Zoning Certificate for Agriculture Buildings and Uses, where they are requiring a zoning permit at no charge for agriculture buildings and uses. In Section 14.10, Conditional Use Permit Renewals, a change was being made to the conditional use stating when the time limit was up and that a renewal would need to be approved by the Board of Zoning Appeals within the year it was issued and after the fee is paid.

The following are the Land Use and Zoning recommendations for the Leroy Township zoning text cases:

- The Land Use and Zoning Committee recommended approval of a Text Amendment for Section 2 with the deletion of the original hospital definition and one of the duplicated wholesale business definitions.
- Land Use and Zoning Committee recommended that the zoning amendment for Section 17 be tabled until the following items are accomplished:
 1. Delete Sections 18 and 29. This may require another public hearing.
 2. Add conditions for new uses to Section 14. This may require another public hearing.

3. Spell development correctly in Section 17.12.
 4. Revise the names of the NB and TC to B-3, Local Business, and B-4, Community Business.
 5. Add a front setback for roads other than the named roads in Section 17.05.
 6. Replace "All uses in the Industrial and Manufacturing District (I) shall conform" with "All uses in Leroy Township shall conform". You may also consider moving this language to Section 7, General Requirements, but this may require another public hearing.
 7. Add the new districts to Sections 3, 30 and 32. This may require another public hearing.
 8. Review Section 26, Landscaping and Screening to see if any changes are warranted.
 9. Charity boxes are similar to trash receptacles and should be required to obtain a zoning permit. Remove the use from uses not requiring a zoning permit.
 10. Do not allow flag poles, statuary, art or charity boxes in the right-of-way.
 11. Review Section 25, Off Street Parking, to see if any changes are warranted.
- The Land Use and Zoning Committee approved of Sections 13.02 and 14.10 with the addition of language that would allow the BZA some flexibility to move a hearing. For example "in the year due or *in the time period agreed upon by both applicant and the township* and the appropriate fee has been paid..."

Mr. Boyd stated this was an example of changing something in one district and not checking how it may affect other sections. We recommend holding off the hearing on this Section to allow time to check further into other Section inconsistencies.

Ms. Pesec asked what the main intent of these changes was and Mr. Radachy replied that a lot of uses were being added to their regulations. They are conforming to similar use tables as Concord, Painesville and Madison Townships. Mr. Boyd added that Leroy Township is also creating two new zoning classifications, the Town Center and Neighborhood Business.

Mr. Pegoraro asked if there were any controls provided on charity boxes as to how they must be maintained or how often they should be emptied. Mr. Radachy was not sure if that would be a part of zoning or a nuisance situation to be handled by a Trustees resolution. He would have to ask legal counsel.

Mr. Zondag suggested to Mr. Radachy to consider discussing composting centers in the future. He believed this might become an energy issue.

Mr. Brotzman had a couple questions on definitions. He questioned the nine room minimum for hotels versus motels. Mr. Schaedlich said the number of rooms is just the amount chosen by the community as a level they feel is comfortable. Mr. Radachy stated there also was a concern about building something with nine rooms or more because it would be a larger structure and there is a possibility of the structure becoming a full fledged boarding house or rental units in the future.

The Warehouse definition was questioned by Mr. Brotzman. He suggested it should read a warehouse is a "structure" used to store. Otherwise, if things were just piled outside, you would have a warehouse. And Warehouse Accessory should also use the word structure. The definition of watercourse was also brought to the member's attention although this was not requested for consideration by Leroy Township. This definition defines a watercourse as having a defined bed or stream bank. He said there could still be a watercourse with an area being completely tiled and having no defined bank. A tile does not take away its function as a watercourse for storm purposes. A tiled watercourse will no longer have a stream bank. These waterways should be included. This could

be used in riparian setbacks also. Mr. Zondag was concerned of how they would define this if a subdivision was done where they had rerouted a stream. Mr. Pegoraro stated there would probably not be stream beds rerouted any more because of the regulations enforced by the Corps of Engineers and Ohio EPA, but Mr. Zondag was concerned about the tiled stream beds rerouted in the past. Ms. Pesec suggested this be recommended when sending the recommendations of the other sections to Leroy Township. Mr. Radachy said we could recommend that the Township look at the watercourse definition themselves.

At Mr. Boyd's request, Mr. Brotzman restated his concern on the issue that a watercourse may be tiled and have no visible surface water or a defined bed, and not be removed from being a watercourse, at least for storm purposes. Mr. Zondag added this is relative to some basement issues that have come up in the past.

Mr. Schaedlich moved to recommend approval of the changes including the Land Use and Zoning and staff recommendations along with the addition of the word "structure" in Warehouse and Warehouse Accessory and the comment on a tiled watercourse. Mr. Siegel seconded the motion.

All voted "Aye".

Madison Township District Amendment from B-1, Business to R-1, Suburban Residence

Mr. Radachy described this district change as being on the corner of Dayton Road and South Ridge Road (S.R. 84) in Madison Township. It consists of 6.4 acres that was currently vacant and zoned B-1. The land around it was being used as residential or agriculture, including the adjacent property that was also zoned B-1. The comprehensive plans for both Madison Township and Madison Village shows this corner as being residential.

Land Use and Zoning is recommending the zoning district change be made.

Mr. Schaedlich moved to recommend approval of the zoning change from B-1, Business, to R-1, Suburban Residence. Mr. Welch seconded the motion.

Mr. Zondag questioned if this body was able to put restrictions on where the traffic was to ingress and egress onto certain roads. Mr. Radachy stated that S. R. 84 is a State highway and they would have to get a permit from ODOT for access onto it. He thought Dayton Road would be a better access road than S.R. 84.

Mr. Radachy said the owner wanted this land to be subdivided into three lots. R-1 has a 20,000 square foot minimum. Before it can be split, they would have to get approval from the Health District to make sure they can get septic on it. Mr. Zondag said there was also a stream that goes through this area. The developer is proposing three lots, but may only be able to do two lots. This is just a rezoning request at this time. Mr. Boyd pointed out that this was a great example of looking at two communities' comprehensive plans instead of only the community requesting the district change as was done in the past.

It was stated the survey should read on the second lot as 2.989, acres to the centerline, not right-of-way.

All voted "Aye".

Land Use & Zoning Committee

Mr. Radachy stated Mr. Welch was elected as Chair, Mr. Klco as Vice-Chair and Mr. Radachy as Secretary for the Land Use and Zoning Committee at its February 23, 2012 meeting.

REPORTS OF SPECIAL COMMITTEES

The Lake County Coastal Plan Committee had a member resign due to new employment. Mr. Lee Bodnar was representing Painesville Township and has a new job with Concord Township.

CORRESPONDENCE

OLD BUSINESS

Mr. Boyd stated the proposed Subdivision Regulations amendments were passed out last week and thought consideration should be made to discuss them at the March meeting. A few members would not be able to attend the next meeting so he said he would leave it up to Board to decide. Mr. Radachy suggested that we discuss the regulation changes within the next few months so the process could be completed prior to January 1, 2013 in case we wind up with three new County Commissioners.

NEW BUSINESS

Mr. Boyd drew the member's attention to copies of the 2011 Lake County Planning Commission Annual Report that Ms. Myers had put together that had been given to them tonight. The members were pleased with the work.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Mr. Smith moved and Mr. Schaedlich seconded the motion to adjourn the meeting.

All voted "Aye"

The meeting adjourned at 5:54 p.m.